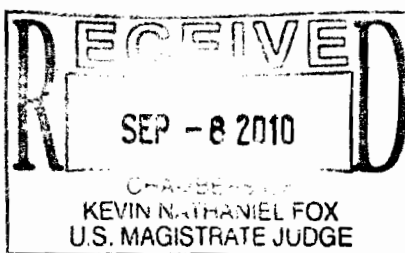


CHADBOURNE  
& PARKE LLP

Scott S. Balber  
direct tel (212) 408-5466  
SBalber@chadbournelaw.com

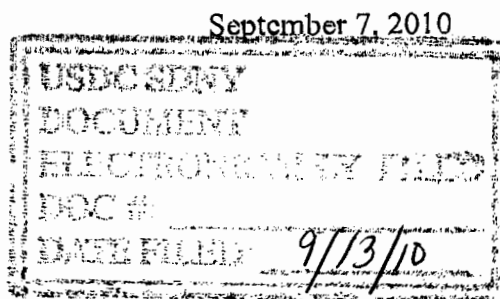


30 Rockefeller Plaza, New York, NY 10112  
tel (212) 408-5100 fax (212) 541-5369

## MEMO ENDORSED

VIA FAX

The Honorable Kevin N. Fox  
United States Magistrate Judge  
United States Courthouse  
500 Pearl Street, Courtroom 20A  
New York, New York 10007-1312



Re: *Fidelity Information Servs., Inc. v. Debtdomain GLMS Pte LTD., et al.*  
Case No. 09-cv-07589-LAK

Dear Judge Fox:

We represent the defendants ("Defendants") in the above-referenced action. We are writing to seek the Court's guidance in respect to the Court's orders dated August 12, 13, 24, and 27, 2010 with regard to the deposition of and document production by Garry Viner ("Viner").

On September 3, 2010, defendant Debtdomain GLMS Pte Ltd. ("Debtdomain GLMS") sent a letter to Mr. Viner by international overnight courier urging him to comply with the Court's orders regarding his deposition and document production (see Exh. 1), which included an undertaking by Debtdomain GLMS to cover Mr. Viner's expenses in this regard.

On September 7, 2010, Debtdomain GLMS received a reply from Mr. Viner (see Exh. 2, without exhibits attached), in which he refused to travel to London for a deposition, and rejected the suggestion that Debtdomain GLMS or indeed the United States courts had any authority to order him anywhere. Mr. Viner did say in his letter, however, that he would be willing to sit for a deposition locally in Sydney, Australia, either in person or conducted by video conference (during Sydney business hours).

Under these circumstances, Debtdomain GLMS is at a loss to suggest what more it could do to cause Mr. Viner to appear in London or produce documents. We note that Mr. Viner's offer to be deposed in Australia would enable Plaintiff to obtain the evidence it seeks and would present only issues of cost, and thus seems to be a feasible solution if the true interest here is to obtain his evidence for use at trial. Accordingly, we seek the Court's guidance regarding how next to proceed in this matter.

9/13/10  
The parties shall review Fed. R. Civ. P. 37(d) and proceed accordingly.  
SO ORDERED:  
Kevin Nathaniel Fox, U.S.M.J.



CHADBOURNE  
& PARKE LLP

The Honorable Kevin N. Fox

-2-

September 7, 2010

Respectfully submitted,



Scott S. Balber

*Counsel for Defendants*

cc: Via Email

Mark H. Moore, Esq.  
Reavis Parent Lehrer LLP  
41 Madison Avenue, 41st Floor  
New York, NY 10010  
Tel.: (212) 763-4100  
Fax: (212) 763-4141

*Counsel for Plaintiff*  
Fidelity Information Services, Inc.

